

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**16] MISC. APPLICATION NO. 528 OF 2023 (Setting aside)  
IN**

**APPEAL NO. AT006000000144242 of 2023**

Mr. Satish Garg

...Appellant

-VS-

M/s. Arun Boomi Corporation & Anr.

...Respondents

*Adv. Rupali Padgulekar for Appellant.*

*Adv. Lizum Wangdi for Respondent no. 1.*

*Adv. R. P. Ojha for Respondent no. 2.*

**CORAM : SHRI S. R. JAGTAP, MEMBER (J) &**

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 29<sup>th</sup> SEPTEMBER, 2023**

(THROUGH VIDEO CONFERENCE)

- 1] Adv. Lizum Wangdi submits that Respondent no. 1 has filed reply and served the copy of the same to other side. Adv. Rupali Padgulekar submits that Appellant has not received the copy of reply. Respondent no. 1 is directed to serve the copy of reply to Appellant.
- 2] Adv. R. P. Ojha submits that Respondent no. 2 has filed Misc. Application 528 of 2023 for setting aside ex-parte order dated 10.06.2023 and served the copy of same to other side.
- 3] Adv. Rupali Padgulekar submits that Appellant has received the copy of Misc. Application no. 528 of 2023 and Appellant has no

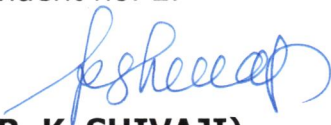
*S. Jagtap*

objection to allow the said application. Adv. Lizum Wangdi submits that Respondent no. 1 has filed reply to this application and stiff opposition to the application.

4] We have heard learned counsel for respective parties. According to Respondent no. 2 when the appeal was listed on 10.06.2023 for hearing on that day the Respondent no. 2 did not get link from the Authority and therefore, Respondent no. 2 could not remain present in the matter. Considering the ground put forth by the Respondent no. 2 and in view of no objection of the Appellant we are of the view that there is no impediment in allowing the present application. Accordingly, Misc. Application 528 of 2023 is allowed. Order dated 10 June, 2023 passed by this Tribunal that appeal to proceed ex-parte against Respondent no. 2 is set aside.

5] Respondent no. 2 is directed to file reply to appeal.

6] Stand over to 5<sup>th</sup> December, 2023 for filing reply by Respondent no. 2.

  
(DR. K. SHIVAJI)

ARP

  
(S. R. JAGTAP)